



## LODI CITY COUNCIL

Carnegie Forum  
305 West Pine Street, Lodi

## AGENDA – REGULAR MEETING

Date: December 2, 2009

Time: 7:00 p.m.

For information regarding this Agenda please contact:

**Randi Johl, City Clerk**  
Telephone: (209) 333-6702

**6:55 p.m. Invocation/Call to Civic Responsibility.** Invocations may be offered by any of the various religious and non-religious organizations within and around the City of Lodi. Invocations are voluntary offerings of private citizens, to and for the benefit of the Council. The views or beliefs expressed by the Invocation Speaker have not been previously reviewed or approved by the Council, and the Council does not endorse the beliefs or views of any speaker.

***NOTE:** All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk, located at 221 W. Pine Street, Lodi, and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 24 hours prior to the meeting date.*

**C-1 Call to Order / Roll Call – N/A**

**C-2 Announcement of Closed Session – N/A**

**C-3 Adjourn to Closed Session – N/A**

**NOTE: THE FOLLOWING ITEMS WILL COMMENCE NO SOONER THAN 7:00 P.M.**

**C-4 Return to Open Session / Disclosure of Action**

**A. Call to Order / Roll call**

**B. Pledge of Allegiance**

**C. Presentations**

C-1 Awards

a) Presentation of Mayor's Community Service Award

C-2 Proclamations – None

C-3 Presentations – None

**D. Consent Calendar (Reading; Comments by the Public; Council Action)**

D-1 Receive Register of Claims in the Amount of \$5,487,986.65 (FIN)

D-2 Approve Minutes (CLK)

a) November 4, 2009 (Regular Meeting)

b) November 17, 2009 (Shirtsleeve Session)

c) November 24, 2009 (Shirtsleeve Session)

Res. D-3 Adopt Resolution Authorizing a Sole Source Procurement of Outage Management and Trouble Call Systems from Survalent Technology of Mississauga, Ontario, Canada (\$54,300) (EUD)

D-4 Accept Improvements under Contract for Library Phase I Remodel Project (PW)

**E. Comments by the Public on Non-Agenda Items**

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

**F. Comments by the City Council Members on Non-Agenda Items**

**G. Comments by the City Manager on Non-Agenda Items**

**H. Public Hearings – None**

**I. Communications**

I-1 Claims Filed Against the City of Lodi – None

I-2 Appointments – None

I-3 Miscellaneous – None

**J. Regular Calendar – None**

**K. Ordinances**

Ord. K-1 Adopt Ordinance No. 1827 Entitled, "An Ordinance of the City Council of the City of Lodi  
(Adopt) Amending Lodi Municipal Code Title 9 – Public Peace, Morals, and Welfare – by Repealing and Reenacting Chapter 9.18, 'Vending on Streets, Sidewalks, and Private Property,' in its Entirety" (CLK)

**L. Reorganization of the City Council**

L-1 Presentation to Outgoing Mayor by City Manager King

L-2 Reorganization of the Lodi City Council

Res. a) Election of Mayor

Res. b) Election of Mayor Pro Tempore

**M. Adjournment**

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

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Randi Johl  
City Clerk



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## **CITY OF LODI COUNCIL COMMUNICATION**

**AGENDA TITLE:** Presentation of Mayor's Community Service Awards

**MEETING DATE:** December 2, 2009

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** Mayor Hansen to present the Mayor's Community Service Awards to Nancy Alumbaugh and the People Assisting Lodi Shelter and to Sally Snyder and the World of Wonders Science Museum.

**BACKGROUND INFORMATION:** Mayor Hansen has selected the following recipients to receive the prestigious Mayor's Community Service Award for 2009:

- Nancy Alumbaugh and the People Assisting Lodi Shelter; and
- Sally Snyder and the World of Wonders Science Museum.

**FUNDING:** None required.

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Randi Johl  
City Clerk

RJ/JMR

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**APPROVED:** \_\_\_\_\_  
Blair King, City Manager



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## **CITY OF LODI COUNCIL COMMUNICATION**

**AGENDA TITLE:** Receive Register of Claims Dated November 5 and November 12, 2009 in the Total Amount of \$5,487,986.65

**MEETING DATE:** December 2, 2009

**PREPARED BY:** Financial Services Manager

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**RECOMMENDED ACTION:** Receive the attached Register of Claims for \$5,487,986.65.

**BACKGROUND INFORMATION:** Attached is the Register of Claims in the amount of \$5,487,986.65 dated 11/5/09 and 11/12/09. Also attached is Payroll in the amount of \$1,154,279.27.

**FISCAL IMPACT:** n/a

**FUNDING AVAILABLE:** As per attached report.

\_\_\_\_\_  
Ruby R. Paiste, Financial Services Manager

RRP/rp

Attachments

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**APPROVED:** \_\_\_\_\_  
Blair King, City Manager

Accounts Payable  
Council Report

Page - 1  
Date - 11/16/09  
Amount

As of Thursday	Fund	Name	Amount
11/05/09	00100	General Fund	846,123.67
	00160	Electric Utility Fund	3,199,642.37
	00161	Utility Outlay Reserve Fund	5,126.87
	00164	Public Benefits Fund	1,885.00
	00166	Solar Surcharge Fund	13,751.40
	00170	Waste Water Utility Fund	18,041.07
	00180	Water Utility Fund	21,918.09
	00210	Library Fund	5,016.41
	00211	Library Capital Account	1,044.45
	00260	Internal Service/Equip Maint	38,511.81
	00270	Employee Benefits	19,604.30
	00310	Worker's Comp Insurance	45,913.46
	00321	Gas Tax	59,903.17
	00340	Comm Dev Special Rev Fund	529.83
	00345	Community Center	4,019.93
	00346	Recreation Fund	6,528.27
	00459	H U D	21,403.76
	01218	IMF General Facilities-Adm	57,600.35
	01250	Dial-a-Ride/Transportation	1,085.94
	01410	Expendable Trust	12,732.86
Sum			4,380,383.01
Total for Week			
Sum			4,380,383.01

Accounts Payable  
Council Report

Page - 1  
Date - 11/16/09  
Amount

As of Thursday	Fund	Name	Amount
11/12/09	00100	General Fund	501,077.86
	00123	Info Systems Replacement Fund	286.35
	00160	Electric Utility Fund	22,149.16
	00161	Utility Outlay Reserve Fund	135.78
	00164	Public Benefits Fund	1,400.00
	00170	Waste Water Utility Fund	18,409.80
	00180	Water Utility Fund	3,971.59
	00181	Water Utility-Capital Outlay	70,173.82
	00210	Library Fund	6,982.41
	00211	Library Capital Account	1,686.00
	00234	Local Law Enforce Block Grant	181.57
	00235	LPD-Public Safety Prog AB 1913	60.88
	00260	Internal Service/Equip Maint	34,709.49
	00270	Employee Benefits	357,646.38
	00321	Gas Tax	4,667.94
	00331	Federal - Streets	25.73
	00340	Comm Dev Special Rev Fund	47.88
	00345	Community Center	5,377.91
	00346	Recreation Fund	2,135.93
	00459	H U D	933.00
	00502	L&L Dist Z1-Almond Estates	346.19
	00503	L&L Dist Z2-Century Meadows I	220.17
	00506	L&L Dist Z5-Legacy I,II,Kirst	569.78
	00507	L&L Dist Z6-The Villas	478.86
	00509	L&L Dist Z8-Vintage Oaks	185.24
	01211	Capital Outlay/General Fund	56,095.43
	01218	IMF General Facilities-Adm	606.55
	01241	LTF-Pedestrian/Bike	3,297.55
	01250	Dial-a-Ride/Transportation	1,239.03
	01410	Expendable Trust	10,790.01
Sum			1,105,888.29
	00184	Water PCE-TCE-Settlements	1,695.43
	00190	Central Plume	19.92
Sum			1,715.35
Total for Week			
Sum			1,107,603.64

## Council Report for Payroll

Page - 1  
Date - 11/16/09

Payroll	Pay Per Date	Co	Name	Gross Pay
Regular	10/18/09	00100	General Fund	704,489.32
		00160	Electric Utility Fund	163,592.61
		00164	Public Benefits Fund	3,783.78
		00170	Waste Water Utility Fund	86,779.77
		00180	Water Utility Fund	1,258.20
		00210	Library Fund	29,699.93
		00235	LPD-Public Safety Prog AB 1913	1,938.95
		00260	Internal Service/Equip Maint	21,868.71
		00321	Gas Tax	46,837.49
		00340	Comm Dev Special Rev Fund	21,730.51
		00345	Community Center	28,679.50
		00346	Recreation Fund	36,789.92
		01250	Dial-a-Ride/Transportation	6,830.58
Pay Period Total:				
Sum				1,154,279.27



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## **CITY OF LODI COUNCIL COMMUNICATION**

**AGENDA TITLE:** Approve Minutes  
a) November 4, 2009 (Regular Meeting)  
b) November 17, 2009 (Shirtsleeve Session)  
c) November 24, 2009 (Shirtsleeve Session)

**MEETING DATE:** December 2, 2009

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** Approve the following minutes as prepared:  
a) November 4, 2009 (Regular Meeting)  
b) November 17, 2009 (Shirtsleeve Session)  
c) November 24, 2009 (Shirtsleeve Session)

**BACKGROUND INFORMATION:** Attached are copies of the subject minutes marked Exhibit A through C.

**FISCAL IMPACT:** None.

**FUNDING AVAILABLE:** None required.

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Randi Johl  
City Clerk

Attachments

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**APPROVED:** \_\_\_\_\_  
Blair King, City Manager



**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, NOVEMBER 4, 2009**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of November 4, 2009, was called to order by Mayor Hansen at 6:30 p.m.

Present: Council Member Hitchcock, Council Member Johnson, Mayor Pro Tempore Katzakian, and Mayor Hansen

Absent: Council Member Mounce

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Johl

C-2 Announcement of Closed Session

- a) Prospective Lease of a Portion of 218 West Pine Street and 211 Oak Street, Lodi, Negotiating Parties of City of Lodi, Oddfellows Hall Association of Lodi and Beckman Capital Corporation, for the Placement of Environmental Cleanup Equipment, Price and Terms are Under Negotiation, Pursuant to Government Code Section 54956.8

C-3 Adjourn to Closed Session

At 6:30 p.m., Mayor Hansen adjourned the meeting to a Closed Session to discuss the above matter.

The Closed Session adjourned at 6:40 p.m.

C-4 Return to Open Session / Disclosure of Action

At 7:00 p.m., Mayor Hansen reconvened the City Council meeting, and City Attorney Schwabauer disclosed the following action.

In regard to Item C-2 (a), negotiating direction was given.

A. Call to Order / Roll call

The Regular City Council meeting of November 4, 2009, was called to order by Mayor Hansen at 7:00 p.m.

Present: Council Member Hitchcock, Council Member Johnson, Mayor Pro Tempore Katzakian, and Mayor Hansen

Absent: Council Member Mounce

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Johl

B. Pledge of Allegiance

C. Presentations

C-1 Awards - None

C-2 Proclamations

a) National Runaway Prevention Month

Mayor Hansen presented a proclamation to Kathleen Halliday, representing Family and Youth Services of San Joaquin County, proclaiming the month of November 2009 as "National Runaway Prevention Month" in the City of Lodi.

C-3 Presentations

a) Stephen Qualls, Central Division, League of California Cities Representative (CLK)

Stephen Qualls, Central Valley Division representative of the League of California Cities, presented the golf tournament trophy from the League-CitiPac fundraiser to Mayor Hansen and provided an update on the League's recent ballot initiative efforts.

b) Quarterly Update by the Greater Lodi Area Youth Commission (COM)

Josh Gums and Beau Benko, representatives of the Greater Lodi Area Youth Commission, gave an update on the Commission's activities and accomplishments. Further, Mayor Hansen presented Certificates of Recognition to the following Teen of the Month recipients: August - Jenny Zimmerman and Janay Larson; September - Marco Ruiz; and October - Kristyn McQueen.

c) Electric Utility 100th Anniversary (EUD)

Ken Weisel, Interim Electric Utility Director, and Kevin Bell, Committee Chair, gave a presentation regarding the Utility's 100th Anniversary and the community activities planned to commemorate this milestone.

D. Consent Calendar (Reading; Comments by the Public; Council Action)

Council Member Johnson made a motion, second by Mayor Hansen, to approve the following items hereinafter set forth, **except those otherwise noted**, in accordance with the report and recommendation of the City Manager.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hitchcock, Council Member Johnson, Mayor Pro Tempore Katzakian, and Mayor Hansen

Noes: None

Absent: Council Member Mounce

D-1 Receive Register of Claims in the Amount of \$5,365,317.65 (FIN)

Claims were approved in the amount of \$5,365,317.65.

D-2 Approve Minutes (CLK)

The minutes of October 7, 2009 (Regular Meeting) and October 20, 2009 (Shirtsleeve Session) were approved as written.

D-3 Accept the Quarterly Investment Report As Required by Government Code Section 53646 (CM)

Accepted the quarterly investment report as required by Government Code Section 53646.

D-4 Accept Quarterly Report of Purchases Between \$5,000 and \$20,000 (CM)

In response to Council Member Hitchcock, City Manager King and Public Works Director Wally Sandelin stated that, when the World of Wonders museum took over the building, it did some improvements, mold issues were discovered on the southern and northern sides of the building, there was an agreement to split the cost of mitigation, and some of the work is warranty work.

In response to Council Member Hitchcock, Mr. King stated it is his understanding that the basic work of removing trees and shrubbery was completed on the inside of the Grape Bowl facility where the vegetation was overgrown.

Council Member Hitchcock made a motion, second by Mayor Hansen, to accept the quarterly report of purchases between \$5,000 and \$20,000.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hitchcock, Council Member Johnson, Mayor Pro Tempore Katzakian, and Mayor Hansen

Noes: None

Absent: Council Member Mounce

D-5 Adopt Resolution Authorizing the City Manager to Allocate an Additional \$75,000 from the Lodi Public Benefits Program Fund for Use by the Lodi G2 Customer Rebate Program (EUD)

Adopted Resolution No. 2009-151 authorizing the City Manager to allocate an additional \$75,000 from the Lodi Public Benefits Program Fund for use by the Lodi G2 Customer Rebate Program.

D-6 Approve Plans and Specifications and Authorize Advertisement for Bids for Water Main Replacement Program Project No. 3 (PW)

Approved the plans and specifications and authorized advertisement for bids for Water Main Replacement Program Project No. 3.

D-7 Adopt Resolution Authorizing Additional Task Order with West Yost Associates for Fiscal Year 2009/10 to Provide Permit Assistance and Prepare Various Studies Required by the City's Wastewater Discharge Permit (\$392,300) and Appropriating Funds (\$435,000) (PW)

Adopted Resolution No. 2009-152 authorizing additional task order with West Yost Associates for fiscal year 2009/10 to provide permit assistance and prepare various studies required by the City's Wastewater Discharge Permit in the amount of \$392,300 and appropriating funds in the amount of \$435,000.

D-8 Adopt Resolution Awarding Contract for City-Funded Maintenance of Landscape Areas for 2010 to Dominguez Landscape Services, Inc., of Sacramento, for Groups A, B, and C for an Annual Cost of \$174,686 (PW)

Adopted Resolution No. 2009-153 awarding the contract for City-Funded Maintenance of Landscape Areas for 2010 to Dominguez Landscape Services, Inc., of Sacramento, for Groups A, B, and C for an annual cost of \$174,686.

D-9 Adopt Resolution Approving 2010 Street Maintenance Project for Proposition 1B Funding (\$2,000,000) (PW)

Adopted Resolution No. 2009-154 approving 2010 Street Maintenance Project for Proposition 1B funding in the amount of \$2,000,000.

D-10 Adopt Resolution Approving Second Supplemental Agreement to Pixley Park Property Exchange Agreement and Improvement Agreement with G-REM, Inc., to Provide Time Extension (PW)

In response to Council Member Hitchcock, Public Works Director Wally Sandelin stated the drainage basin continues to have overly sufficient capacity to handle growth, as the work may only be 50% completed but the basin is more than 50% excavated.

Council Member Hitchcock made a motion, second by Mayor Pro Tempore Katzakian, to adopt Resolution No. 2009-156 approving the second supplemental agreement to Pixley Park Property Exchange Agreement and Improvement Agreement with G-REM, Inc., to provide time extension.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hitchcock, Council Member Johnson, Mayor Pro Tempore Katzakian, and Mayor Hansen

Noes: None

Absent: Council Member Mounce

D-11 Adopt Resolution Repealing Resolution No. 2009-120 and Approving Vacation of Surplus Portion of Loma Drive Lying Adjacent to Parcel Located at 1310 West Turner Road and Authorizing City Manager to Execute Amended Agreement to Exchange Vacated Right-of-Way for Public Improvements (PW)

Adopted Resolution No. 2009-155 repealing Resolution No. 2009-120 and approving vacation of surplus portion of Loma Drive lying adjacent to parcel located at 1310 West Turner Road and authorizing the City Manager to execute amended agreement to exchange vacated right-of-way for public improvements.

D-12 Accept Donation to the Police Department for the Purchase and Installation of Two Powerheart G3 Automatic Automated External Defibrillators and Two Cabinets (\$3,400) and an In-kind Donation to the Police Department of Two Powerheart G3 Automatic Automated External Defibrillators (\$2,800) (PD)

Accepted donation to the Police Department for the purchase and installation of two Powerheart G3 automatic automated external defibrillators and two cabinets in the amount of \$3,400 and an in-kind donation to the Police Department of two Powerheart G3 automatic automated external defibrillators in the amount of \$2,800.

D-13 Consider Loaning of Gram-O-Phone to World of Wonders Science Museum for Display (CM)

Approved loan of Gram-O-Phone to World of Wonders Science Museum for display.

E. Comments by the Public on Non-Agenda Items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in

that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted. Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

None.

F. Comments by the City Council Members on Non-Agenda Items

Mayor Hansen reported on his attendance at commission meetings where specific topics of discussion included the Northern California Power Agency (NCPA) annual strategic workshop to be held in January, the passage of the Project Labor Agreement, progress with the NCPA budget, progress on the new Lodi Energy Center Project, and the approval of a Union Pacific Railroad project with cities commenting on the difficulties of dealing with the company.

In response to Council Member Hitchcock, City Manager King and Public Works Director Wally Sandelin provided an overview of the construction progress at DeBenedetti Park and the efforts associated with keeping the ground wet to keep the dust down on windy days.

G. Comments by the City Manager on Non-Agenda Items

None.

H. Public Hearings

H-1 Conduct a Public Hearing to Consider the Adoption of a Resolution to Update the Planning Division's Hourly Rate and Setting Various Fire Inspection Fees (CD)

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Hansen called for the public hearing to consider the adoption of a resolution to update the Planning Division's hourly rate and setting various Fire Inspection fees.

City Manager King briefly introduced the subject matter of the Planning Division's hourly rate and fire inspection fees.

Interim Community Development Director Rad Bartlam provided a PowerPoint presentation regarding the update of the Planning Division's hourly rate and fire inspection fees. Specific topics of discussion included direct hourly rate, internal and external overhead costs, 15% reserve amount, and proposed costs for the fee schedule.

In response to Council Member Hitchcock, Mr. Bartlam stated he is not sure how the current rate was calculated but it is not a fully burdened cost that includes internal and external overhead costs and a reserve number.

In response to Council Member Johnson, Mr. Bartlam stated the Planning Commission cost is attributed 100% to the Planning Division and 40% of the cost for the Administrative Assistant is attributed to the Planning Division.

In response to Council Member Johnson, Mr. Bartlam stated only the inspection related fees are being proposed for change. Mr. Bartlam stated generally with fire sprinkler systems it takes more time to complete the inspection with larger buildings and systems and the numbers are based on a conservative estimate.

In response to Council Member Hitchcock, Mr. Bartlam stated cities handle their inspections differently through their fire departments, fire districts, and community development departments. Mr. Bartlam stated staff went through a time and motion study to accurately reflect the actual cost associated with providing the service.

In response to Council Member Hitchcock, Mr. King stated the Community Development Department is currently receiving a General Fund allocation and it is important to develop a reserve amount.

Mayor Hansen opened the public hearing to receive public comment.

John Beckman, representing the Building Industry Association, spoke in opposition to any fee increases at this time due to the current state of the economy, supported a general reserve policy, and suggested a deferral fee program for impact fees.

Mayor Hansen closed the public hearing after receiving no further public comment.

In response to Council Member Johnson, Mr. Bartlam stated he is not philosophically opposed to collecting impact fees at a later time because the actual impact does not occur until occupancy.

In response to Mayor Hansen, Mr. Bartlam stated the department is currently operating at a \$900,000 deficit that began in the good times and got worse over the bad times. Mr. Bartlam stated the proposed fee changes would keep the department's head above water.

Council provided staff with general direction to bring the subject matter of the deferring impact fees back to Council for consideration at a future regularly scheduled meeting.

Mayor Hansen made a motion, second by Council Member Hitchcock, to adopt Resolution No. 2009-157 updating the Planning Division's hourly rate and setting various Fire Inspection fees.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hitchcock, Council Member Johnson, Mayor Pro Tempore Katzakian, and Mayor Hansen

Noes: None

Absent: Council Member Mounce

I. Communications

I-1 Claims Filed Against the City of Lodi - None

I-2 Appointments - None

I-3 Miscellaneous - None

J. Regular Calendar

J-1 Receive Report on Draft Environmental Impact Report/Environmental Assessment for I-5 Widening from Stockton to Southerly Limits of the White Slough Water Pollution Control Facility (CD)

City Manager King briefly introduced the subject matter.

Interim Community Development Director Rad Bartlam provided a brief presentation regarding the proposed I-5 widening project. Specific topics of discussion included CalTrans as the lead agency on the project, a review of the aerial maps, the proposed Gateway interchange, draft Environmental Impact Report (EIR) requirement, growth inducement, lack of adequate mitigation for loss of prime farmland, the \$600 million estimated cost of the project, and authority to formally respond to the draft EIR.

In response to Mayor Hansen, Mr. Bartlam stated that, from a pure California Environmental Quality Act (CEQA) review, the document lacks the necessary mitigation, which could be instituted in a variety of ways by the city of Stockton, CalTrans, or San Joaquin Council of Governments.

In response to Mayor Hansen, Mr. Schwabauer stated the standing issue will be met because anyone affected can bring up the environmental effects whether they live within the City limits or not.

In response to Council Member Johnson, Mr. Bartlam stated he is not aware of the specific dimensions of the retail areas but the sizes are consistent with what is currently present at the Eight Mile shopping center.

In response to Council Member Johnson, Mr. Bartlam stated the self-storage shown is the city of Stockton's definition of the buffer.

In response to Council Member Hitchcock, Mr. Schwabauer stated CalTrans is uniquely involved in the interchange project. Mr. Bartlam stated there is a lack of funds right now to complete the project, there may be a variety of funding sources including impact fees, and CalTrans is the lead agency because CEQA requires it and because CalTrans has ultimate approval.

In response to Council Member Hitchcock, Mr. Bartlam stated most of these improvements are already outlined in the Stockton General Plan and already approved growth cannot take place without the interchange improvements, which goes to the growth inducement argument.

In response to Council Member Hitchcock, Mr. King stated at this point the City can respond by saying the EIR is inadequate and let CalTrans evaluate the response as necessary.

In response to Council Member Johnson, Mr. Bartlam stated the Auto Drive interchange is designed to alleviate congestion between Eight Mile Road and March Lane.

Council provided general direction to staff to respond to the environmental documentation.

J-2 Introduce State Video Franchise Ordinance Establishing the Obligations of Cable Operators Providing Service in the City of Lodi Under a State Franchise Agreement (CM)

Communications Specialist Jeff Hood provided a PowerPoint presentation regarding the cable television ordinance. Specific topics of discussion included the Digital Infrastructure and Video Competition Act (DIVCA) ordinance, Public, Education, and Government (PEG) fee, need for ordinance, effects of ordinance adoption, key elements of the ordinance, PEG fee request, and solicited input from AT&T and Comcast.

In response to Council Member Johnson, Mr. King stated there is no harm in having the ability to ask for financials, although cable companies sometimes find it difficult to provide accurate information because they provide service on a regional basis and not a city boundary basis.

In response to Mayor Hansen, Mr. Schwabauer stated he will follow-up on the status of trench

ordinances and bring the information back to Council.

Council Member Hitchcock made a motion, second by Council Member Johnson, to introduce Ordinance No. 1826 establishing the obligations of cable operators providing service in the City of Lodi under a State franchise agreement.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hitchcock, Council Member Johnson, Mayor Pro Tempore Katzakian, and Mayor Hansen

Noes: None

Absent: Council Member Mounce

J-3 Report on Possible Transit Fare Increases and Route Modifications and Consider Setting Public Hearing for a Date Determined by City Council (PW)

City Manager King briefly introduced the subject matter of possible transit fare increases and route modifications.

Public Works Director Wally Sandelin provided a PowerPoint presentation regarding possible fare increases and route modifications. Specific topics of discussion included the issue of a deficit, extended service options, Dial-A-Ride/VineLine fare increase, fixed route fare increase, comparisons of transit fares, and possible action to extend service and conduct public hearing for fare increase.

In response to Council Member Johnson, Mr. Sandelin stated there are only 1,400 passengers that ride outside the City limits and therefore it would only generate that amount of revenue.

In response to Mayor Hansen, Mr. Sandelin stated at the increased level the fares would fall in the middle of rate comparisons to other service providers.

In response to Mayor Hansen, Mr. Sandelin stated the ridership is expected to drop some in light of fare increases.

In response to Council Member Johnson, Mr. Sandelin stated ridership did not come back up after the last fare increase although revenues were higher.

Robin Rushing spoke in opposition to any fare increase to accommodate Sunday service.

An unknown resident spoke in opposition to making any changes to the existing Dial-A-Ride service. An unknown resident with the first name Joyce spoke in favor of paying a higher fare to accommodate additional service.

An unknown resident spoke in favor of paying a higher fare for a modified schedule with the idea that the old schedule would be brought back when the economy gets better.

Council Member Hitchcock made a motion, second by Council Member Johnson, to set public hearing for December 16, 2009, to consider possible transit fare increases and route modifications.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hitchcock, Council Member Johnson, Mayor Pro Tempore Katzakian, and Mayor Hansen



Noes: None

Absent: Council Member Mounce

J-4 Designation of Two Council Members to Participate in the Selection Process for a New Electric Utility Director (CM)

In response to Council Member Hitchcock, Mr. King stated the interviews are still several months away although there may be some tasks in the interim.

Mayor Hansen made a motion, second by Council Member Hitchcock, to designate Mayor Hansen and Council Member Johnson to participate in the selection process for a new Electric Utility Director.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hitchcock, Council Member Johnson, Mayor Pro Tempore Katzakian, and Mayor Hansen

Noes: None

Absent: Council Member Mounce

K. Ordinances

K-1 Adopt Ordinance No. 1825 Entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Chapter 15.68, 'San Joaquin County Multi-Species Habitat Conservation and Open Space Plan Development Fees,' by Repealing and Reenacting Section 15.68.020(B), "Annual Adjustment" (CLK)

Council Member Hitchcock made a motion, second by Mayor Pro Tempore Katzakian, (following reading of the title) to waive reading of the ordinance in full and adopt and order to print Ordinance No. 1825 entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Chapter 15.68, 'San Joaquin County Multi-Species Habitat Conservation and Open Space Plan Development Fees,' by Repealing and Reenacting Section 15.68.020(B), 'Annual Adjustment,'" which was introduced at a regular meeting of the Lodi City Council held October 21, 2009.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hitchcock, Council Member Johnson, Mayor Pro Tempore Katzakian, and Mayor Hansen

Noes: None

Absent: Council Member Mounce

L. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 9:48 p.m., in memory of Lucinda "Starr" Nevis and Kyle Coumas, who passed away recently.

ATTEST:

Randi Johl  
City Clerk

**LODI CITY COUNCIL  
SHIRTSLEEVE SESSION  
CARNEGIE FORUM, 305 WEST PINE STREET  
TUESDAY, NOVEMBER 17, 2009**

A. Roll Call by City Clerk

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, November 17, 2009, commencing at 7:02 a.m.

Present: Council Member Hitchcock, Council Member Johnson, Mayor Pro Tempore Katzakian, Council Member Mounce, and Mayor Hansen

Absent: None

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Johl

B. Topic(s)

B-1 Receive Operational/Financial Report for the Hutchins Street Square Community Center (COM)

City Manager King briefly introduced the subject matter of the operational/financial report for Hutchins Street Square.

Community Center Director Jim Rodems provided a PowerPoint presentation regarding the operational/financial report for Hutchins Street Square (HSS). Specific topics of discussion included HSS background, three-year budget comparison, 2008/2009 budget target, 2008/2009 budget actuals, deficit items, corrective fiscal measures, program areas, facility visits and uses, revenue comparison by area, art and specialty classes, art and event coordination, performing arts center, senior center, senior center programs, Lodi Memorial Hospital programs, pool, pool programs, challenges for 2009/2010, and goals for 2009/2010.

In response to Council Member Hitchcock, Mr. Rodems stated the reasoning for the one-third split for the director position to parks, recreation, and community center is because there are three divisions and this is mainly for budget allocation purposes. Mr. King stated parks is funded by the General Fund, recreation is funded partially by fee generation, and there is also an ability to charge a quarter each to parks and recreation and one-half to HSS.

In response to Mayor Hansen, Mr. Rodems stated the workload is consistent with the two-thirds divide on the parks and recreation side versus one-third at HSS. Mr. King stated it is also consistent with where revenue is available and there is less impact on the General Fund.

In response to Council Member Hitchcock, Mr. Rodems stated there is additional fee generation for the pool operations to cover costs associated with shifting pool operations to the recreation side. Mr. King stated the option to the pool operation losing money is to cut services or provide a greater allocation to those services from the General Fund.

In response to Mayor Hansen, Mr. Rodems stated most cities have one aquatics coordinator to manage the pool operations. Mr. Rodems stated there are multiple uses of the pool through classes and rentals and the pool operations are becoming more cost effective.

In response to Council Member Johnson, Mr. King stated the programs and uses of the pool at HSS have stayed the same and the primary difference is efficiency in costs mainly with the aquatics positions.

In response to Mayor Pro Tempore Katzakian, Mr. Rodems stated the current debt service is \$662,520.

In response to Mayor Hansen, Mr. Rodems stated the 11,000 figure reflects about 5,000 to 6,000 people who utilize multiple classes and programs.

In response to Council Member Hitchcock, Mr. Rodems stated of the 607 figure 242 are City uses and usage is generally not down but more level.

In response to Council Member Johnson, Mr. Rodems stated departments are charged a set-up fee, which covers the basic costs incurred for the event. Mr. King stated his understanding is that the way information is kept on City uses has changed and City usage has not increased per se. Mr. King stated the Sandhill Crane Festival is an example of a partnership event that would be considered a City use. He stated the City Council may want to establish some sort of a formula with specific criteria for future City usage.

In response to Council Member Mounce, Mr. Rodems stated entities that use the facility without being charged include the Arts Foundation, various committees and commissions, and departments. Council Members Mounce and Hitchcock requested a copy of a list showing paying and non-paying entities that use the HSS facility.

In response to Council Member Hitchcock, Mr. Rodems stated the marketing and advertising is done through the Arts Coordinator position.

Discussion ensued between Mayor Hansen, Mr. King, and Mr. Rodems regarding the balance between City needs, community needs, paying customers, and maximizing uses for all in accordance with timing and space available.

In response to Council Member Hitchcock, Mr. Rodems stated class uses are generally booked four months out and Mondays through Wednesdays are the lower use days to allow for additional classes. He stated the contracts reflect that there is some flexibility with classes being moved based on events in the building.

In response to Mayor Hansen, Mr. Rodems stated the 11,000 number is closer to the single person user with respect to the Senior Center usage.

In response to Mayor Hansen, Senior Services Coordinator Ann Areida-Hintz stated the 20 volunteers include health insurance counselors, volunteer instructors, group facilitators, tax consultants, and others.

In response to Mayor Hansen, Mr. Rodems stated Camp Hutchins is offered before, during, and after school hours. Mr. King stated there is a contract with Lodi Memorial Hospital for the space and the program has evolved into a subsidized daycare program for three-year olds. He stated the Council may wish to consider the purpose of the evolved program and the costs associated with the same. Mr. Rodems stated it is a break-even program offered primarily as a service and the program does not make money.

In response to Mayor Hansen, Mr. Rodems stated the HSS facility is fairly competitive with other venues in the area and the City is well-positioned for the next few years for usage.

In response to Council Member Johnson, Mr. Rodems stated the fundraiser for the pool renovations is based on a capital outlay of \$190,000 for the pool, the fundraiser will recapture that amount, and the Foundation's goal is to address the needs of the facility on a individualized need basis.

In response to Mayor Hansen, Mr. King stated that, with respect to the Geweke electronic sign board usage for advertising purposes, staff can follow-up with the ability to use the same.

In response to Council Member Hitchcock, Mr. Rodems stated cable television advertising is cost prohibitive based on the seating numbers in the facility.

In response to Council Member Hitchcock, Mr. Rodems stated the numbers are reflective of actual costs and the issue is one of moving the numbers to make the financials work while continuing to provide the service.

Myrna Wetzel spoke in favor of continued advertising in newspapers and suggested advertising on the less expensive television channels.

C. Comments by Public on Non-Agenda Items

None.

D. Adjournment

No action was taken by the City Council. The meeting was adjourned at 8:24 a.m.

ATTEST:

Randi Johl  
City Clerk

**LODI CITY COUNCIL  
SHIRTSLEEVE SESSION  
CARNEGIE FORUM, 305 WEST PINE STREET  
TUESDAY, NOVEMBER 24, 2009**

The November 24, 2009, Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was canceled.

ATTEST:

Randi Johl  
City Clerk



## **CITY OF LODI COUNCIL COMMUNICATION**

TM

**AGENDA TITLE:** Adopt Resolution Authorizing a Sole Source Procurement of Outage Management and Trouble Call Systems from Survalent Technology of Mississauga, Ontario, Canada (\$54,300) (EUD)

**MEETING DATE:** December 2, 2009

**PREPARED BY:** Interim Electric Utility Director

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**RECOMMENDED ACTION:** Adopt a resolution authorizing a sole source procurement of Outage Management and Trouble Call Systems from Survalent Technology (Survalent) of Mississauga, Ontario, Canada in an amount not to exceed \$54,300.

**BACKGROUND INFORMATION:** A critical function of the Electric Utility Department is the ability to shorten power outages and monitor the electric distribution system down to the customer meter level.

On February 6, 2008, the City Council awarded the installation of new Supervisory Control And Data Acquisition system (SCADA) to Survalent Technology of Mississauga, Ontario, Canada. The new SCADA has been in full operation for almost a year and uses the existing fiber optic loop for communication. The SCADA remotely controls and monitors 60kV and 12kV equipment using intelligent electronic devices and remote terminal units (RTU). The proposed Survalent Outage Management and Trouble Call Systems (OMS/TCS) will be integrated with the SCADA to expand electric distribution system monitoring down to the customer meter level. Addition of Survalent OMS/TCS will embark the initial stage of migrating the City's electrical distribution system towards smart grid.

The proposed Survalent OMS/TCS would include the following features and functionalities:

- 1) Electronic representation of the Low Voltage Electrical Network down to the customer meter level including the distribution transformers and the low voltage lines and switches
- 2) Automatic import of the geographic and electrical maps of the Low Voltage Electrical Network from the existing Lodi AutoCad files;
- 3) Import of the customer billing and metering information (customer address details, account number, meter number, transformer and feeder information) from the existing Lodi CIS (Customer Information System);
- 4) Customer call handling and outage management including assignment of crews in the field, automatic generation of Work Orders for the assigned crews;
- 5) Automatic calculation of the industry standard reliability indices, such as Customer Average Interruption Duration Index, for a period and per outage;
- 6) Automatic update of any switching operation in the SCADA Medium Voltage network onto the Low Voltage network maps with automatic tracing of the de-energized feeders;
- 7) Easy update of the database of the Low Voltage Network both from AutoCad and CIS.

---

APPROVED: \_\_\_\_\_  
Blair King, City Manager

To add these features and functions to the Survalent SCADA would require the use of the Survalent OMS/TCS.

Survalent is a business partner of Hometown Connections, Inc., a utility services subsidiary of the American Public Power Association (APPA) that supports APPA members by securing national group pricing and service arrangements from leading industry suppliers.

The integration of the Survalent OMS/TCS with SCADA would reduce outage durations, increase operational and personnel efficiencies, improve customer satisfaction, improve reliability of electric service, initiate the development and implementation of smart grid for the City of Lodi electrical distribution system. This is a turn-key project and the executive summary describing the Survalent OMS/TCS proposal is attached.

**FISCAL IMPACT:** Not to exceed \$54,300 including tax and shipping. Shortening outages would be expected to reduce overtime costs and restoring service more quickly would increase sales revenues, mitigating the cost of the system by an unquantified amount.

**FUNDING:** Account No. 160651.7719.

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Jordan Ayers  
Deputy City Manager/Internal Services Director

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Kenneth A. Weisel  
Interim Electric Utility Director

Prepared By: Demy Bucaneg, Jr., P.E., Assistant Electric Utility Director

KW/DB/lt

Attachments



2600 Argentia Road, Mississauga, Ont., L5N 5V4, Canada

Phone: (905) 826-5000 Fax: (905) 826-7144

[www.survalent.com](http://www.survalent.com)

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Lodi Electric Utility Department  
1331 S. Ham Lane  
Lodi, CA 95242

November 10<sup>th</sup>, 2009

Survalent Technology – Outage Management - Proposal No. Q09-09-9637

Executive Summary

The existing Survalent SCADA System of Lodi EUD operates the Medium Voltage Electrical Network of the City of Lodi down to the substation level. This Proposal would expand the scope of operation of the Survalent system to include the Low Voltage Electrical Network down to the customer meter level. The additional functionality would include the following main functions:

- 1) Electronic representation of the Low Voltage Electrical Network down to the customer meter level including the distribution transformers and the low voltage lines and switches
- 2) Efficient import of the geographic and electrical maps of the Low Voltage Electrical Network from the existing Lodi AutoCad files;
- 3) Import of the customer billing and metering information (customer address details, account number, meter number, transformer and feeder information) from the existing Lodi CIS (Customer Information System);
- 4) Customer call handling and outage management including assignment of crews in the field, automatic generation of Work Orders for the assigned crews;
- 5) Automatic calculation of the Reliability Indices such as CAIFI, SAIFI, etc. on a time window and outage basis;
- 6) Automatic update of any switching operation in the SCADA Medium Voltage network onto the Low Voltage network maps with automatic tracing of the de-energized feeders;
- 7) Easy update of the database of the Low Voltage Network both from AutoCad and CIS.

The above functionality would bring about substantial and tangible benefits to Lodi EUD such as:

- a) Reduced outage durations by reducing the time to locate by more than 30%;
- b) Increased efficiency by reducing operations and personnel costs by 25%;
- c) Improved customer satisfaction by automatically identifying all customers affected by the same outage and calling the customers with the predicted time of resolution of the outage;
- d) Improved Reliability Indices as a measure of customer service satisfaction.

The list of deliverables which are included in the proposed scope of supply is as follows:

- i. One (1) additional Server Computer to be installed in the same enclosure with the existing SCADA servers. Due to the large number of additional data points of the Low Voltage network, the computing power of an additional server is required;



- ii. Two (2) additional Workstation Client computers to be used by the Dispatchers in the Control Room for monitoring the Low Voltage Network;
- iii. Additional OMS (Outage Management) and TCS (Trouble Call Management) software for the Low Voltage Network including licenses for the above two (2) Workstation Clients;
- iv. Software license for the software to update the database of the Low Voltage Network;
- v. Software license for the interface to the existing Lodi CIS (Customer Information System)
- vi. Initial import of the Low Voltage Network database and maps from the Lodi AutoCad;
- vii. Two (2) weeks of on-site assistance for commissioning and training of Lodi EUD staff;
- viii. One (1) year of warranty on the above hardware and software.

The total cost of this expansion proposed by Survalent Technology is \$49,000.00 including the hardware, software, network database import, on-site installation and commissioning, training and warranty, as detailed above.

Survalent Technology assures Lodi EUD that the project will be implemented within the proposed budget and time schedule to Lodi EUD's full satisfaction, if Survalent Technology is awarded the project.

Sincerely,

**Mike Roth**

Vice President Sales, US Western Region  
**Survalent Technology Corporation**

RESOLUTION NO. 2009-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL  
AUTHORIZING THE SOLE SOURCE PROCUREMENT OF OUTAGE  
MANAGEMENT AND TROUBLE CALL SYSTEMS  
FROM SURVALENT TECHNOLOGY

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WHEREAS, Lodi Municipal Code §3.20.070 authorizes dispensing with bids for purchases of supplies, services, or equipment when it is in the best interest of the City to do so; and

WHEREAS, a critical function of the Electric Utility Department (EUD) is the ability to shorten power outages and monitor the electric distribution system down to the customer meter level; and

WHEREAS, on February 6, 2008, the City Council awarded the installation of new supervisory control and data acquisition system (SCADA) to Survalent Technology to remotely monitor and control the 60kV and 12kV equipment at the substation level using intelligent electronic devices and remote terminal units through the existing fiber optic loop; and

WHEREAS, proposed Survalent Outage Management and Trouble Call Systems (OMS/TCS) will integrate with SCADA to expand electric system monitoring down to the customer meter level and to initiate migration to smart grid system; and

WHEREAS, Survalent OMS/TCS would include features and functions as follows: electronic model of low voltage electrical network, automatic import of geographic and electrical maps, import of customer billing and metering information, customer call handling and outage management, automatic calculation of reliability indices, automatic update of switching operations, and database update of low voltage network from AutoCAD and CIS; and

WHEREAS, staff recommends that the Outage Management and Trouble Call Systems be purchased sole source from Survalent Technology to reduce outage durations, increase efficiency, improve customer satisfaction and system reliability, initiate smart grid implementation, and this is a turn-key project.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby approves the purchase of Outage Management and Trouble Call Systems from Survalent Technology of Mississauga, Ontario, Canada in the amount not to exceed \$54,300 including tax and shipping.

Dated: December 2, 2009

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I hereby certify that Resolution No. 2009-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held December 2, 2009, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL  
City Clerk



## **CITY OF LODI COUNCIL COMMUNICATION**

**AGENDA TITLE:** Accept Improvements Under the Contract for Library Phase I Remodel Project

**MEETING DATE:** December 2, 2009

**PREPARED BY:** Public Works Director

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**RECOMMENDED ACTION:** Accept the improvements under the contract for Library Phase I Remodel Project.

**BACKGROUND INFORMATION:** The project was awarded to World Tech dba Geigle Electric, of Stockton, on November 5, 2008, in the amount of \$243,879.25. The contract has been completed in substantial conformance with the plans and specifications approved by City Council.

This project consisted of the renovation of the service desk area, ADA improvements to the lobby and staff rest rooms, new employee work stations, new data/communications cabling, security access system hardware and improvements to the Children's Area.

The original contract completion date was April 17, 2009, and the actual completion date was July 30, 2009. The extension in contract time was due to work related to Change Order No. 4, which Council approved at its April 15, 2009 meeting for the Children's Area Improvements (\$175,000). The final contract price was \$476,407.17. The difference between the original contract amount and the final contract amount is due to the four change orders of which Council was previously notified.

Following acceptance by the City Council, as required by law, the City Engineer will file a Notice of Completion with the County Recorder's office. The notice serves to notify vendors and subcontractors that the project is complete and begins their 30-day period to file a stop notice requiring the City to withhold payments from the prime contractor in the event of a payment dispute.

**FISCAL IMPACT:** None.

**FUNDING AVAILABLE:** This project was funded by Community Development Block Grant (CDBG) funds, Library Fund (211814) and Impact Mitigation Fees – General City Facilities (1218).

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F. Wally Sandelin  
Public Works Director

Prepared by Gary Wiman, Construction Project Manager  
FWS/GW/pmf  
cc: Purchasing Officer  
Library Services Director

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**APPROVED:** \_\_\_\_\_  
Blair King, City Manager

## Comments by the public on non-agenda items

**THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.**

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

Comments by the City Council Members on non-agenda items



TM

## **CITY OF LODI COUNCIL COMMUNICATION**

**AGENDA TITLE:** Ordinance No. 1827 Entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 9 – Public Peace, Morals, and Welfare – by Repealing and Reenacting Chapter 9.18, 'Vending on Streets, Sidewalks, and Private Property' in Its Entirety"

**MEETING DATE:** December 2, 2009

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1827.

**BACKGROUND INFORMATION:** Ordinance No. 1827 entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 9 – Public Peace, Morals, and Welfare – by Repealing and Reenacting Chapter 9.18, 'Vending on Streets, Sidewalks, and Private Property' in Its Entirety" was introduced at the regular City Council meeting of November 18, 2009.

**ADOPTION:** With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. **Cal. Gov't Code § 36934.**

Ordinances take effect 30 days after their final passage. **Cal. Gov't Code § 36937.**  
This ordinance has been approved as to form by the City Attorney.

**FISCAL IMPACT:** None.

**FUNDING AVAILABLE:** None required.

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Randi Johl  
City Clerk

RJ/jmr  
Attachment

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**APPROVED:** \_\_\_\_\_  
Blair King, City Manager

ORDINANCE NO. 1827

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
LODI AMENDING LODI MUNICIPAL CODE TITLE 9 – PUBLIC  
PEACE, MORALS, AND WELFARE – BY REPEALING AND  
REENACTING CHAPTER 9.18, “VENDING ON STREETS,  
SIDEWALKS, AND PRIVATE PROPERTY,” IN ITS ENTIRETY

=====

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF  
LODI AS FOLLOWS:

SECTION 1. Lodi Municipal Code Title 9 – Public Peace, Morals, and Welfare –  
Chapter 9.18, “Vending on Streets and Sidewalks,” is hereby repealed and  
reenacted in its entirety to read as follows:

Chapter 9.18 VENDING ON STREETS, SIDEWALKS, AND PRIVATE PROPERTY

9.18.010 Declaration of Purpose

The City Council expressly finds that the vending of produce and prepared or  
prepackaged foods, goods, wares, and/or services on public streets, sidewalks, or alleys  
and on private property pose unsafe conditions and special dangers to the public health,  
safety, and welfare of the residents of the City of Lodi. It is the purpose and intent of the  
City Council, in enacting this Chapter, to provide those persons who engage in those  
types of vending operations with clear and concise regulations to prevent safety, traffic,  
and health hazards, as well as to preserve the peace, safety, and welfare of the  
community.

9.18.020 Definitions

- A. “Business Owner” shall mean any person, firm, or corporation, which  
owns or controls any interest in any business engaged in vending as  
defined in Subsection J hereof.
- B. “Commissary” shall mean a food establishment in which food, containers,  
equipment, or supplies are stored or handled for use in Motorized Food  
Wagons or Conveyance.
- C. “Conveyance,” as used in this Chapter, means any vehicle (except  
Motorized Food Wagons, as defined below), trailer, cart, wagon, or stand,  
with or without wheels, which may be moved from one place to another  
under its own power or by other means.
- D. “Linear Frontage” is the method used to determine distances as used in  
this Chapter.
- E. “Mobile Food Vendor” shall mean any person as defined in this Chapter,  
who owns, controls, manages, and/or leases a Motorized Food Wagon,  
Conveyance or Produce/Seafood Truck; and/or contracts with a person(s)

to drive, operate, prepare foods, and/or vend from a Motorized Food Wagon, Conveyance or Produce/Seafood Truck.

- F. "Motorized Food Wagon" shall mean any vehicle as defined in Section 670 of the California Vehicle Code, which is equipped and used for retail sales of prepared, pre-packaged, or unprepared, unpackaged food or foodstuffs of any kind on any public street, alley, highway, or private street, alley, or property within the City of Lodi, including a Produce/Seafood Truck (as defined below) and a Motorized Food Production Unit (as defined below). For the purposes of this Chapter, a Motorized Food Wagon shall also include any trailer or wagon pulled by a vehicle.
- G. "Motorized Food Preparation Unit" means any vehicle or trailer and vehicle combination as defined in Section 670 of the California Vehicle Code which is equipped to 1) prepare and sell or 2) cook and sell food products.
- H. "Persons" shall mean any person, firm, partnership, association, or corporation, and includes, but is not limited to, owners, operators, drivers, lessors, and lessees of Motorized Food Wagons and Conveyances.
- I. "Produce/Seafood Truck" means any vehicle as defined by Section 670 of the California Vehicle Code which sells raw produce or seafood
- J. "Vend" or "Vending" shall mean the sale of any goods, wares, merchandise, prepared, pre-packaged, or unprepared, unpackaged food or foodstuffs of any kind from private or public property.
  - 1. Vending from a Motorized Food Wagon generally has the following characteristics:
    - a. Food is ordered and served from a take-out counter that is integral to the Motorized Food Wagon and there is typically a space for customer queuing;
    - b. Food is paid for prior to consumption;
    - c. Food and beverages are served in disposable wrappers, plates, or containers; and
    - d. Food and beverages are prepared and sold for off-site consumption.
  - 2. Vending from a Conveyance generally has the following characteristics:
    - a. Food is paid for prior to consumption;



- b. Food and beverages are served in disposable wrappers, plates, or containers; and
  - c. Food and beverages are prepared and sold for off-site consumption.
- 3. Vending from a Produce/Seafood Truck generally has the following characteristics:
  - a. Food is paid for prior to consumption; and
  - b. Food is sold for off-site consumption and/or preparation.
- K. "Vendor"/"Operator" shall mean any person who sells and makes immediate delivery, or offers for sale and immediate delivery, any goods, wares, or merchandise, or drives, operates, vends, and/or prepares food on or from a Motorized Food Wagon or Conveyance.

#### 9.18.030 Regulation of Sales

It shall be unlawful for any person to Vend, or attempt to engage in Vending or operate any vehicle or conduct any business for the purpose of Vending from any vehicle, Motorized Food Wagon or Conveyance parked, stopped, or standing upon any public street, alley, highway, or property, or private street, alley, or property within the City of Lodi except in accordance with all applicable provisions of this Code.

#### 9.18.040 Permit to Operate

A person desiring to engage in a vending operation, as defined by this Chapter, shall submit a written application for a Permit to Operate to the City Manager or designee in a form acceptable to and with all supporting information required by the City of Lodi. Such application shall be accompanied by a non-refundable, non-transferable application fee in an amount as may be established from time to time by Resolution of the City Council. Any such permit shall be required to be renewed annually and a separate non-refundable, non-transferable application fee shall be paid annually for such renewal application. Vendors must have the permit in their possession when vending. There must be at least one Vendor with a valid permit present whenever Vending is taking place.

- A. A Vendor must obtain a background check in accordance with the requirements of Section 9.16.030 of this Code.
- B. Every Vendor shall obtain a City of Lodi Business Tax Certification.
- C. As part of the Permit to Operate application, the Vendor or Business Owner shall provide the following:
  - 1. Proof of current vehicle registration and a copy of an applicable vehicle insurance policy for any vehicles used in the vending activity.

2. Four photographs (showing different exterior views) of each Motorized Food Wagon or Conveyance.
  3. A copy of a current San Joaquin County Environmental Health permit for any Motorized Food Wagon.
  4. A copy of the Vendor or Business Owner's current Business Tax Certification and applicable Board of Equalization Seller's Permit.
  5. Vendor or Business Owner must show proof of payment to a Commissary for the prior twelve (12) months for all cases involving the reissuance of a Permit; and proof of current payment for new Vendors.
  6. If the Vendor is operating on private property, the Business Owner shall provide the following:
    - a. an affidavit in a form approved by the City from the property owner (if other than self) permitting the Vendor to locate on the site;
    - b. a Site Plan, drawn to scale and with dimensions, indicating the location of all existing buildings, structures, driveways, parking spaces, traffic controls, and improvements, and the location or areas where the proposed Vending activity, structures, and improvements related to the Vending activity will be located upon the site; and
    - c. an affidavit from the business or location providing the required restroom facilities for food service workers, stating the hours that those facilities are being made available to the Mobile Food Vendor.
- D. The following may constitute grounds for denial of an Application for a Permit to Operate:
1. The Vending operation or activity as proposed by the applicant does not comply with all applicable laws including, but not limited to, the applicable building, zoning, housing, fire, safety, and health regulations under State law and this Code;
  2. The applicant is unable to obtain the required Peddler's license, pursuant to LMC Section 9.16.030 due to a criminal background check;
  3. The applicant has, within three (3) years immediately preceding the date of filing of the Application, had a Permit to Operate, Peddler's License, or related permit, which was issued within the State of California, suspended or revoked;

4. The applicant has knowingly made a material misstatement in the Application for a Permit to Operate;
  5. There have been excessive calls for service to the Lodi Police Department within the twelve (12) months preceding the Application with inadequate response by the Vendor or Business Owners or operators, involving the commission of crimes, disturbances, public nuisances, or applicable LMC violation investigations, which are located, committed, or generated on the premises of the Vending operation.
  6. Failure to obtain clearance from San Joaquin County Environmental Health for operation of a Motorized Food Wagon or Conveyance.
- E. As an alternative to a denial of an Application for a Permit to Operate for failure to meet the requirements of this Chapter, the City Manager or designee may issue a Conditional Permit to Operate. Said Conditional Permit to Operate shall be issued with conditions imposed on the operation of the premises. All conditions shall be complied with in order to maintain the Conditional Permit to Operate in a valid status. Failure to comply with the imposed conditions will subject the Conditional Permit to Operate to suspension and/or revocation procedures under this Chapter or any other remedy authorized by law.

#### 9.18.045 Permit Caps

- A. The total number of vendor permits issued pursuant to this Section shall not exceed the numbers set forth below:
 

1. MOTORIZED FOOD PREPARATION UNITS:	22
2. PRODUCE/SEAFOOD TRUCKS:	3
- B. In the event a vendor permit issued pursuant to this Chapter is either revoked or is allowed by its holder to expire it shall immediately become null and void and shall be forfeited. Any permit forfeited under this Chapter shall be available to any other person who first complies with all other applicable provisions of this Chapter and this Code.
- C. In the event the holder of any vendor permit under this Chapter ceases operations in Lodi, any permits issued pursuant to this section shall be transferable provided that the transferee meets all other provisions of this Chapter. In the event of a sale, the seller's vendor permit shall immediately become null and void and the seller shall no longer conduct business pursuant to this Chapter. Within five business days of any sale or transfer, the seller shall notify the City of such sale and shall provide any proof of sale as may be required by the City.

9.18.050 Location

A. A Vendor may locate and operate in the public right-of-way subject to the following conditions:

1. A Vendor shall not operate within three hundred (300) feet of any school grounds, park, playground, or City operated recreation center.

2. A Vendor shall not operate within one hundred (100) feet of any street intersection.

3. In addition to the above, a Vendor must comply with the following regulations, depending upon the type of use in which it is located:

a. Residential Use Area:

i. In a Residential Use Area, a Vendor shall move not less than four hundred (400) feet at least every ten (10) minutes and may not return to a previous location or within four hundred (400) feet of a previous location on the same calendar day.

ii. Permitted hours of operation are from 7:00 a.m. to 8:00 p.m.

iii. A Vendor may not be located within four hundred (400) feet of another Vendor.

b. Commercial Use Area:

i. In a Commercial Use Area, a Vendor shall move not less than four hundred (400) feet at least every three (3) hours and may not return to a previous location or within four hundred (400) feet of a previous location on the same calendar day.

ii. Permitted hours of operation are from 6:00 a.m. to 12:00 a.m.

iii. If a Vendor is located in a Commercial Use Area and is within four hundred (400) feet of a residence, Vendor shall comply with the requirements listed above for Residential Use Area.

c. Industrial Use Area:

i. In an Industrial Use Area, a Vendor may operate twenty-three (23) hours a day.

ii. If a Vendor is located in an Industrial Use Area and is also within four hundred feet (400) feet of a residence, it shall comply with the requirements listed above for Residential Use Area.

4. No Vendor shall be located or maintained on public property, including bicycle pathways, inconsistent with any provision of this Code.

B. A Vendor may locate on private property subject to the following conditions:

1. Incidental to a primary use with the primary use having a valid City of Lodi Business Tax Certification;
2. A Vendor shall not be the primary use of a parcel unless the parcel is developed in accordance with the standards of the City's Development Code for that use and the zoning designation for the parcel.
3. A Vendor shall not be permitted as an accessory use to a stand-alone parking lot.
4. A Vendor cannot utilize, or be located on, parking spaces required for the primary use on the parcel.
5. A Vendor cannot be located on a vacant, undeveloped parcel or lot.
6. A Vendor must be located on a paved concrete or asphalt parking surface.
7. A Vendor cannot interfere with access, aisles, circulation, driveways, or fire lanes and hydrants.
8. A Vendor cannot interfere with pedestrian movement or create a pedestrian hazard.
9. Vending on private property within two-hundred feet of a residential zone is permitted only through the provisions of a Conditional Permit to Operate. Conditions will not be imposed in a manner that unreasonably prevents Mobile Food Vendors from operating solely because they are within two-hundred feet of a residential zone.

#### 9.18.060 Exemption

- A. Any person engaged in Vending conducted in connection with the operations of a state-certified open-air market or an authorized street fair or event under a special event permit, lease, real property license, agreement, or other entitlements issued by the City of Lodi.
- B. Any person delivering any goods by vehicle where such goods have been ordered in advance for such delivery from any business located at a permanent location and which goods are being delivered from such location to the customer by vehicle, regardless of the point of sale.
- C. This Chapter shall not apply to the sale or distribution of any newspaper, flier, or handbill.

9.18.070 Application of Other Laws and Regulations

- A. The provisions of this Chapter prohibiting the stopping or parking of a vehicle shall apply at all times or at those times specified by this Chapter, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.
- B. The provisions of this Chapter imposing a time limit on stopping or parking shall not relieve any person from the duty to observe other more restrictive provisions of the California Vehicle Code, this Code or any other ordinances of the City, prohibiting or limiting the stopping or parking of vehicles in specified places or at specified times.

9.18.080 Condition/Appearance of Vending Site

- A. The Vending site shall be maintained in a safe and clean manner at all times.
- B. No tables, chairs, fences, shade structures, or other site furniture, (permanent or otherwise) or any freestanding signs shall be permitted in conjunction with the Vendor, except as permitted under the Conditional Permit to Operate provisions of Section 9.18.040(E).
- C. Should any other site improvements be needed for on-going Vending operations, the Vendor shall be required to apply for appropriate permits to ensure building and public safety and consistency with applicable building and zoning regulations.
- D. Exterior storage or display of refuse, equipment, materials, goods, wares, or merchandise associated with the Vendor is prohibited.

9.18.090 Condition/Appearance of Motorized Food Wagon or Conveyance

- A. The Vendor shall display, in plain view and at all times, current permits and licenses in or on their vehicle.
- B. Any Motorized Food Wagon or Conveyance used in the course of Vending shall be entirely self-sufficient in regards to gas, water, and telecommunications.

Should any utility hook-ups or connections to on-site utilities be required, the Vendor shall be required to apply for appropriate permits to ensure building and public safety and consistency with applicable building and zoning regulations.

- C. The Vendor shall not discharge items from any Motorized Food Wagon or Conveyance vehicle onto the sidewalk, gutter, storm inlets, or streets.

9.18.100 Lighting

The Vendor shall install adequate lighting to ensure customer safety. Lighting shall be directed downwards and away from public streets and adjacent properties.

9.18.110 Sanitation

- A. All Motorized Food Wagons or Conveyances shall operate out of a Commissary pursuant to California Health and Safety Code Section 114287.
- B. All Motorized Food Wagons or Conveyances shall be equipped with refuse containers large enough to contain all refuse generated by the operation of such a vehicle, and the Vendor of the Motorized Food Wagon or Conveyance shall pick up all refuse generated by such operation within a twenty-five (25) foot radius of the vehicle before such vehicle is moved. No Vendor shall dispose of any trash or refuse in any such public or private trash receptacle other than a trash receptacle owned, operated, or otherwise provided by and under the control of such Vendor.
- C. A Motorized Food Wagon or Conveyance shall comply with California Health and Safety Code Section 114299.5 regarding the availability of adequate toilet facilities for use by food service personnel.

9.18.120 Safety and Security

- A. No Vending shall be permitted except after the Motorized Food Wagon or Conveyance has been brought to a complete stop and parked in a lawful manner.
- B. The Vendor shall install signage in a visible location indicating that loitering is not permitted and customers may only remain on the lot for up to fifteen (15) minutes after receiving their food.
- C. The Vendor shall enforce the no loitering provisions of this Code.

9.18.130 Applicability of Regulations to Existing Business

The provisions of this Chapter shall be applicable to all persons and businesses described herein whether the herein described activities were established before or after the effective date of the ordinance enacting this Chapter into law.

9.18.140 Penalties

Any person violating any provisions or failing to comply with any of the mandatory requirements of this Chapter is subject to the following penalties:

- A. Fines
  - 1. Violations are subject to the Administrative Enforcement Provisions of this Code and the fines established in LMC Section 1.10.260;
  - 2. Three or more violations of this Chapter during any one-year period shall be deemed misdemeanors, punishable as specified in Section 1.08.010(B) of this Code.

B. Suspension/Revocation of Permit to Operate/Conditional Permit to Operate

1. Procedure

In the event of a violation of the regulations of this Chapter, the City Manager or designee shall issue a Notice of Intent to Suspend or Revoke the Permit to Operate. The Vendor shall have the right to request a hearing, as provided in LMC Chapter 1.10, within ten (10) days of service of the Notice of Intent. If no hearing is requested, the Permit to Operate shall be revoked or suspended upon the expiration of the appeal period set forth in LMC Chapter 1.10.

2. Basis for Suspension/Revocation of Permit to Operate:

a. Any Permit to Operate may be suspended and/or revoked by the City Manager or designee after a review, where it is determined that:

- i. The Vendor has violated the provisions of this Chapter; or
- ii. The Vendor has committed any act or engaged in action, which would constitute grounds for denial of a Permit to Operate pursuant to Section 9.18.040(D) of this Chapter; or
- iii. The Vendor has engaged in fraud, misrepresentation, or false statements in conducting the vending operation or activity; or
- iv. The Vendor has failed to correct a violation under this Chapter within the time period ordered by the City; or
- v. The Vendor has operated or continued to operate without a Permit to Operate or after a Permit to Operate has been suspended or revoked.

3. Basis for Suspension/Revocation of a Conditional Permit to Operate:

a. Any Conditional Permit to Operate may be suspended or revoked for:

- i. Any of the basis to suspend or revoke a Permit to Operate set forth herein; or
- ii. Any violation of the terms of the Conditional Permit to Operate.



9.18.150 Enforcement

The provisions of this Chapter may be enforced by any peace officer, or the Code Enforcement Division of the Lodi Police Department.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 4. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 5. This ordinance shall be published one time in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi, and shall take effect thirty (30) days from and after its passage and approval.

Approved this 2<sup>nd</sup> day of December, 2009

\_\_\_\_\_  
LARRY HANSEN  
Mayor

Attest:

RANDI JOHL  
City Clerk

=====

State of California  
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1827 was introduced at a regular meeting of the City Council of the City of Lodi held November 18, 2009, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held December 2, 2009, by the following vote:

AYES: COUNCIL MEMBERS –

NOES; COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. 1827 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

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RANDI JOHL, City Clerk

Approved as to Form:

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D. STEPHEN SCHWABAUER  
City Attorney



## **CITY OF LODI COUNCIL COMMUNICATION**

TM

**AGENDA TITLE:** Presentation to Outgoing Mayor by City Manager King and Reorganization of the Lodi City Council

**MEETING DATE:** December 2, 2009

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** Following presentation to the outgoing Mayor by City Manager King, adopt resolutions electing a Mayor and a Mayor Pro Tempore to serve the Lodi City Council.

**BACKGROUND INFORMATION:** Pursuant to Lodi Municipal Code §2.04.070, it is necessary that the City Council reorganize by electing a Mayor and Mayor Pro Tempore.

The reorganization of the City Council will take place as follows:

**Item L Reorganization of the Lodi City Council**

- Presentation to the Mayor by the City Manager.
- Comments by the Mayor.
- City Clerk will conduct the election for the office of Mayor.
- Following the election, the City Clerk will hand the gavel to the newly-elected Mayor, who will then conduct the election for the office of Mayor Pro Tempore.
- The newly-elected Mayor will then adjourn the meeting.

**FISCAL IMPACT:** N/A

**FUNDING AVAILABLE:** N/A

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Randi Johl  
City Clerk

RJ/JMR

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**APPROVED:** \_\_\_\_\_  
Blair King, City Manager

RESOLUTION NO. 2009-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY  
COUNCIL CONFIRMING THE ELECTION  
OF THE MAYOR

---

WHEREAS, reorganization of the City Council takes place at the first regular meeting in December each year; and

WHEREAS, during the reorganization, an election is held by the Council as a whole by nomination and vote for the positions of Mayor and Mayor Pro Tempore; and

WHEREAS, at its meeting held December 2, 2009, \_\_\_\_\_ was elected to serve as Mayor for a one-year period.

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council that Resolution No. 2009-\_\_\_\_\_ is hereby adopted confirming the election of \_\_\_\_\_ as Mayor of the City of Lodi for a one-year period; and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its passage.

DATED: December 2, 2009

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I hereby certify that Resolution No. 2009-\_\_\_\_\_ was passed and adopted by the Lodi City Council in a regular meeting held December 2, 2009, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL  
City Clerk

2009-\_\_\_\_\_

RESOLUTION NO. 2009-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY  
COUNCIL CONFIRMING THE ELECTION OF  
THE MAYOR PRO TEMPORE

---

WHEREAS, reorganization of the City Council takes place at the first regular meeting in December each year; and

WHEREAS, during the reorganization, an election is held by the Council as a whole by nomination and vote for the positions of Mayor and Mayor Pro Tempore; and

WHEREAS, at its meeting held December 2, 2009, \_\_\_\_\_ was elected to serve as Mayor Pro Tempore for a one-year period.

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council that Resolution No. 2009-\_\_\_\_\_ is hereby adopted confirming the election of \_\_\_\_\_ as Mayor Pro Tempore of the City of Lodi for a one-year period; and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its passage.

DATED: December 2, 2009

---

I hereby certify that Resolution No. 2009-\_\_\_\_\_ was passed and adopted by the Lodi City Council in a regular meeting held December 2, 2009, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL  
City Clerk

2009-\_\_\_\_\_